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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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12 **UNITED STATES OF AMERICA,**) **CASE NO. SA CR - CJC**
13 **Plaintiff,**) **ORDER RE CRIMINAL PRE-TRIAL MOTIONS,**
14 **v.**) **TRIALS, AND SENTENCING**
15 **DEFENDANT,**)
16 **Defendant(s).**)
17 _____)
18

19 The above matter is set for trial before the Honorable Cormac J. Carney, United States
20 District Judge, Courtroom 9B, Ronald Reagan Federal Building and United States Courthouse,
21 411 West Fourth Street, Santa Ana, CA 92701. Counsel preparing for trial before this Court shall
22 comply with this Order. Failure to comply with this order may subject counsel to sanctions.
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24 **MOTION PRACTICE**
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26 1. Unless the Local Criminal Rules prescribe a different time for filing a particular
27 motion, pre-trial motions must be filed and served not later than twenty-eight (28) days after
28 arraignment and set for hearing not later than the Monday eight (8) days prior to the trial date at

1 9:30 a.m. Counsel's estimate of the time required for presentation of the motion must be set forth
2 adjacent to the caption.

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4 2. A party opposing a motion must file and serve an opposition not later than seven (7)
5 days after service of the motion or as otherwise permitted by the Court. Counsel's estimate of the
6 time required for presentation of the opposition to the motion must be set forth in the caption of
7 the opposition.

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9 3. Memoranda of Points and Authorities in support of or in opposition to motions shall
10 not exceed 25 pages. Replies shall not exceed 12 pages. Only in rare instances and for good
11 cause shown will the Court grant an application to extend these page limitations. No supplemental
12 briefs shall be filed without prior leave of court.

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14 4. Before filing any motion for discovery, counsel shall confer with opposing counsel
15 to ascertain what discovery will be provided. Any discovery motion shall state with particularity
16 what is requested, and whether such discovery has been declined. Motions made without prior
17 consultation with opposing counsel or which fail to include the above information will not be heard.

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19 **DISCOVERY AND NOTICE**

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21 5. Counsel for the government and counsel for the defendant shall comply promptly
22 with discovery and notice pursuant to Fed. R. Crim. P., Rules 12, 12.1, 12.2, 12.3, 15 and 16.
23 Upon government counsel's discovery of any evidence within the scope of Brady v. Maryland, 373
24 U.S. 83 (1963), such evidence shall be produced forthwith to counsel for the defendant. Counsel
25 for the government shall also disclose to counsel for the defendant the existence or non-existence
26 of : (1) evidence obtained by electronic surveillance; and (2) testimony by a government
27 informant.

1 **TRIAL**

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3 8. Trials are held Tuesdays through Friday, 9:00 a.m. to 5:00 p.m.

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5 9. Counsel shall arrive at the Courtroom at 8:30 a.m. on the first day of trial and present

6 the Courtroom Deputy with the following documents:

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- 8 a. Three copies of the government's witness list;
- 9 b. Three copies of the government's exhibit list;
- 10 c. All of the government's exhibits with official exhibit tags attached;
- 11 d. A bench book containing a copy of all reproducible exhibits, tabbed with
- 12 exhibit numbers along the right hand side;
- 13

14 10. Defense counsel need not deliver the exhibits to the Courtroom Deputy on the first

15 day of trial; however, defense counsel is responsible for affixing completed exhibit tags to the

16 exhibits which are intended for use in defendant's case. Defense counsel shall provide the Court

17 with a copy of their exhibits as they are introduced during trial.

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19 11. Voir Dire: At least four (4) court days prior to trial, each counsel shall file with the

20 clerk and serve on opposing counsel any special questions requested to be put to prospective

21 jurors by the Court during voir dire.

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23 12. Jury Instructions and Verdict Forms: In a jury trial, no later than one (1) week before

24 trial, counsel shall submit **JOINT** jury instructions and a **JOINT** proposed verdict form (if a special

25 verdict is desired). In order to produce these joint documents, counsel shall meet and confer

26 sufficiently in advance of the required submission date with the goal of agreeing upon instructions

27 and a verdict form. The instructions should be submitted in the order in which the parties wish to

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1 have the instructions read. This order should reflect a single organized sequence agreed to by
2 all of the parties.

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4 The jury instructions shall be submitted as follows:

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- 6 a. Agreed upon JOINT jury instructions;
 - 7 b. Instructions propounded by the government to which the defendant(s)
 - 8 objects; and
 - 9 c. Instructions propounded by defendant(s) to which the government objects.
- 10

11 Instructions upon which agreement cannot be reached should reflect the basic disagreements
12 among the parties as to the law.

13
14 Attribution and case citation for each instruction should be placed on pages following
15 a proposed instruction. For disputed instructions, a party should note its objections to a proposed
16 instruction and its reasons for putting forth its alternative on pages placed after its own alternative
17 instruction.

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19 INSTRUCTIONS SHALL BE BRIEF, CLEAR, CONCISE, WRITTEN IN PLAIN
20 ENGLISH, FREE OF ARGUMENT, AND SHALL BE ORGANIZED IN LOGICAL FASHION AS TO
21 AID JURY COMPREHENSION. Standard or form instructions, if used, must be revised to address
22 the particular facts and issues of the case.

1 **SENTENCING PROCEEDINGS**

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3 13. If a defendant is convicted, the sentencing proceedings will be conducted pursuant

4 to Fed. Crim. Pro. Rule 32 and the Local Rules. If any party wishes to present material to the

5 Court which has (a) not been previously filed with the Court or presented at trial, or (b) not been

6 previously provided to the opposing party and the assigned United States Probation Officer, such

7 party must file and serve the information or evidence no later than two (2) weeks before the

8 scheduled sentencing hearing. Notwithstanding the foregoing, a statement of each party's position

9 concerning sentencing shall be filed and served no later than two (2) weeks before the sentencing

10 hearing, and the proof of service shall reflect service on the assigned United States Probation

11 Officer. Timely filing is important to enable the Probation Officer sufficient time to prepare and

12 disclose any addendum to the Probation Report that may be required in response to new

13 information and/or evidence and/or a party's sentencing position. Failure to timely file and serve

14 such information, evidence, or statement of position may result in such information not being

15 considered by the Court in imposing defendant's sentence.

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17 The Courtroom Deputy is directed to serve this Order on all counsel at the time of post-

18 indictment arraignment proceedings.

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20 **IT IS SO ORDERED.**

21

22 DATED:

23 _____

24 CORMAC J. CARNEY

25 UNITED STATES DISTRICT JUDGE

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